

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TACUMA J. M'WANZA-EL,

Case No. 3:19-cv-00679-MMD-CSD

Plaintiff,

ORDER

v.

SCOTT DAVIS,

Defendant.

Pro se Plaintiff Tacuma M'wanza-El initiated this action against Defendant Scott Davis, alleging that Defendant violated the First Amendment's Free Exercise Clause when he denied M'wanza-El the ability to participate in Ramadan fasting in both May and October 2019. (ECF No. 8.) Before the Court is the Report and Recommendation (ECF No. 37 ("R&R")) of United States Magistrate Judge Craig S. Denny, recommending Defendant's motion for summary judgment be denied. Defendant had until April 18, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and denies Defendant's motion for summary judgment.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge's recommendation, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.") (emphasis in original); Fed. R. Civ. P. 72, Advisory

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1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct *de novo* review, and is
4 satisfied Judge Denney did not clearly err. Here, Judge Denney recommends denying the
5 motion for summary judgment as M’wanza-EI has offered evidence that he has a sincere
6 belief that observing Ramadan with the Moorish Science Temple of America, Inc., and
7 with the Islam/Muslim faith group is consistent with his faith. (ECF No. 37 at 10-13.)
8 M’wanza-EI has also offered evidence that his religious practice was substantially
9 burdened by Defendant. (*Id.*) Moreover, Defendant is not entitled to qualified immunity.
10 (*Id.* at 13-14.) The Court agrees with Judge Denney. Having reviewed the R&R and the
11 record in this case, the Court will adopt the R&R in full.

12 It is therefore ordered that Judge Craig S. Denney’s Report and Recommendation
13 (ECF No. 37) is accepted and adopted in full.

14 It is further ordered that Defendant’s motion for summary judgment (ECF No. 32)
15 is denied.

16 DATED THIS 26th Day of April 2022.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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